

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Uniform Emergency Volunteer Health Practitioners Act.

6 Section 2. Definitions. In this Act:

7 (1) "Disaster relief organization" means an entity that
8 provides emergency or disaster relief services that include
9 health or veterinary services provided by volunteer health
10 practitioners and that:

11 (A) is designated or recognized as a provider of those
12 services pursuant to a disaster response and recovery plan
13 adopted by an agency of the federal government or the
14 Illinois Emergency Management Agency; or

15 (B) regularly plans and conducts its activities in
16 coordination with an agency of the federal government or
17 the Illinois Emergency Management Agency.

18 (2) "Emergency" means an event or condition that is a
19 disaster as defined in the Illinois Emergency Management Agency
20 Act.

21 (3) "Emergency declaration" means a declaration of
22 emergency or disaster issued by a person authorized to do so
23 under the laws of this State, a political subdivision of this

1 State, or a municipality or other local government within this
2 State.

3 (4) "Emergency Management Assistance Compact" means the
4 interstate compact approved by Congress by Public Law No.
5 104-321, 110 Stat. 3877 (Emergency Management Assistance
6 Compact Act (45 ILCS 151/1 et seq.)).

7 (5) "Entity" means a person other than an individual.

8 (6) "Health facility" means an entity licensed under the
9 laws of this or another state to provide health or veterinary
10 services.

11 (7) "Health practitioner" means an individual licensed
12 under the laws of this or another state to provide health or
13 veterinary services.

14 (8) "Health services" means the provision of treatment,
15 care, advice or guidance, or other services, or supplies,
16 related to the health or death of individuals or human
17 populations, to the extent necessary to respond to an
18 emergency, including:

19 (A) the following, concerning the physical or mental
20 condition or functional status of an individual or
21 affecting the structure or function of the body:

22 (i) preventive, diagnostic, therapeutic,
23 rehabilitative, maintenance, or palliative care; and

24 (ii) counseling, assessment, procedures, or other
25 services;

26 (B) sale or dispensing of a drug, a device, equipment,

1 or another item to an individual in accordance with a
2 prescription; and

3 (C) funeral, cremation, cemetery, or other mortuary
4 services.

5 (9) "Host entity" means an entity operating in this State
6 which uses volunteer health practitioners to respond to an
7 emergency.

8 (10) "License" means authorization by a state to engage in
9 health or veterinary services that are unlawful without the
10 authorization. The term includes authorization under the laws
11 of this State to an individual to provide health or veterinary
12 services based upon a national certification issued by a public
13 or private entity.

14 (11) "Person" means an individual, corporation, business
15 trust, trust, partnership, limited liability company,
16 association, joint venture, public corporation, government or
17 governmental subdivision, agency, or instrumentality, or any
18 other legal or commercial entity.

19 (12) "Scope of practice" means the extent of the
20 authorization to provide health or veterinary services granted
21 to a health practitioner by a license issued to the
22 practitioner in the state in which the principal part of the
23 practitioner's services are rendered, including any conditions
24 imposed by the licensing authority.

25 (13) "State" means a state of the United States, the
26 District of Columbia, Puerto Rico, the United States Virgin

1 Islands, or any territory or insular possession subject to the
2 jurisdiction of the United States.

3 (14) "Veterinary services" means the provision of
4 treatment, care, advice or guidance, or other services, or
5 supplies, related to the health or death of an animal or to
6 animal populations, to the extent necessary to respond to an
7 emergency, including:

8 (A) diagnosis, treatment, or prevention of an animal
9 disease, injury, or other physical or mental condition by
10 the prescription, administration, or dispensing of
11 vaccine, medicine, surgery, or therapy;

12 (B) use of a procedure for reproductive management; and

13 (C) monitoring and treatment of animal populations for
14 diseases that have spread or demonstrate the potential to
15 spread to humans.

16 (15) "Volunteer health practitioner" means a health
17 practitioner who provides health or veterinary services,
18 whether or not the practitioner receives compensation for those
19 services. The term does not include a practitioner who receives
20 compensation pursuant to a preexisting employment relationship
21 with a host entity or affiliate which requires the practitioner
22 to provide health services in this State, unless the
23 practitioner is not a resident of this State and is employed by
24 a disaster relief organization providing services in this State
25 while an emergency declaration is in effect.

1 Section 3. Applicability to volunteer health
2 practitioners. This Act applies to volunteer health
3 practitioners registered with a registration system that
4 complies with Section 5 and who provide health or veterinary
5 services in this State for a host entity while an emergency
6 declaration is in effect.

7 Section 4. Regulation of services during emergency.

8 (a) While an emergency declaration is in effect, the
9 Department of Public Health may limit, restrict, or otherwise
10 regulate:

11 (1) the duration of practice by volunteer health
12 practitioners;

13 (2) the geographical areas in which volunteer health
14 practitioners may practice;

15 (3) the types of volunteer health practitioners who may
16 practice; and

17 (4) any other matters necessary to coordinate
18 effectively the provision of health or veterinary services
19 during the emergency.

20 (b) An order issued pursuant to subsection (a) may take
21 effect immediately, without prior notice or comment, and is not
22 a rule within the meaning of the Illinois Administrative
23 Procedure Act.

24 (c) A host entity that uses volunteer health practitioners
25 to provide health or veterinary services in this State shall:

1 (1) consult and coordinate its activities with the
2 Department of Public Health to the extent practicable to
3 provide for the efficient and effective use of volunteer
4 health practitioners; and

5 (2) comply with any laws other than this Act relating
6 to the management of emergency health or veterinary
7 services, including the Illinois Emergency Management
8 Agency Act.

9 Section 5. Volunteer Health Practitioner Registration
10 Systems.

11 (a) To qualify as a volunteer health practitioner
12 registration system, a system must:

13 (1) accept applications for the registration of
14 volunteer health practitioners before or during an
15 emergency;

16 (2) include information about the licensure and good
17 standing of health practitioners which is accessible by
18 authorized persons;

19 (3) be capable of confirming the accuracy of
20 information concerning whether a health practitioner is
21 licensed and in good standing before health services or
22 veterinary services are provided under this Act; and

23 (4) meet one of the following conditions:

24 (A) be an emergency system for advance
25 registration of volunteer health-care practitioners

1 established by a state and funded through the
2 Department of Health and Human Services under Section
3 319I of the Public Health Services Act, 42 U.S.C.
4 Section 247d-7b (as amended);

5 (B) be a local unit consisting of trained and
6 equipped emergency response, public health, and
7 medical personnel formed pursuant to Section 2801 of
8 the Public Health Services Act, 42 U.S.C. Section 300hh
9 (as amended);

10 (C) be operated by a:

11 (i) disaster relief organization;

12 (ii) licensing board;

13 (iii) national or regional association of
14 licensing boards or health practitioners;

15 (iv) health facility that provides
16 comprehensive inpatient and outpatient health-care
17 services, including a tertiary care, teaching
18 hospital, or ambulatory surgical treatment center;

19 or

20 (v) governmental entity; or

21 (D) be designated by the Department of Public
22 Health as a registration system for purposes of this
23 Act.

24 (b) While an emergency declaration is in effect, the
25 Department of Public Health, a person authorized to act on
26 behalf of the Department of Public Health, or a host entity,

1 may confirm whether volunteer health practitioners utilized in
2 this State are registered with a registration system that
3 complies with subsection (a). Confirmation is limited to
4 obtaining identities of the practitioners from the system and
5 determining whether the system indicates that the
6 practitioners are licensed and in good standing.

7 (c) Upon request of a person in this State authorized under
8 subsection (b), or a similarly authorized person in another
9 state, a registration system located in this State shall notify
10 the person of the identities of volunteer health practitioners
11 and whether the practitioners are licensed and in good
12 standing.

13 (d) A host entity is not required to use the services of a
14 volunteer health practitioner even if the practitioner is
15 registered with a registration system that indicates that the
16 practitioner is licensed and in good standing.

17 Section 6. Recognition of volunteer health practitioners
18 licensed in other states.

19 (a) While an emergency declaration is in effect, a
20 volunteer health practitioner, registered with a registration
21 system that complies with Section 5 and licensed and in good
22 standing in the state upon which the practitioner's
23 registration is based, may practice in this State to the extent
24 authorized by this Act as if the practitioner were licensed in
25 this State.

1 (b) A volunteer health practitioner qualified under
2 subsection (a) is not entitled to the protections of this Act
3 if the practitioner is licensed in more than one state and any
4 license of the practitioner is suspended, revoked, or subject
5 to an agency order limiting or restricting practice privileges,
6 or has been voluntarily terminated under threat of sanction.

7 Section 7. No effect on credentialing and privileging.

8 (a) In this Section:

9 (1) "Credentialing" means obtaining, verifying, and
10 assessing the qualifications of a health practitioner to
11 provide treatment, care, or services in or for a health
12 facility.

13 (2) "Privileging" means the authorizing by an
14 appropriate authority, such as a governing body, of a
15 health practitioner to provide specific treatment, care,
16 or services at a health facility subject to limits based on
17 factors that include license, education, training,
18 experience, competence, health status, and specialized
19 skill.

20 (b) This Act does not affect credentialing or privileging
21 standards of a health facility and does not preclude a health
22 facility from waiving or modifying those standards while an
23 emergency declaration is in effect.

24 Section 8. Provision of volunteer health or veterinary

1 services; administrative sanctions.

2 (a) Subject to subsections (b) and (c), a volunteer health
3 practitioner shall adhere to the scope of practice for a
4 similarly licensed practitioner established by the licensing
5 provisions, practice Acts, or other laws of this State.

6 (b) Except as otherwise provided in subsection (c), this
7 Act does not authorize a volunteer health practitioner to
8 provide services that are outside the practitioner's scope of
9 practice, even if a similarly licensed practitioner in this
10 State would be permitted to provide the services.

11 (c) The Illinois Emergency Management Agency, the
12 Department of Financial and Professional Regulation, or the
13 Department of Public Health may modify or restrict the health
14 or veterinary services that volunteer health practitioners may
15 provide pursuant to this Act. An order under this subsection
16 may take effect immediately, without prior notice or comment,
17 and is not a rule within the meaning of the Illinois
18 Administrative Procedure Act.

19 (d) A host entity may restrict the health or veterinary
20 services that a volunteer health practitioner may provide
21 pursuant to this Act.

22 (e) A volunteer health practitioner does not engage in
23 unauthorized practice unless the practitioner has reason to
24 know of any limitation, modification, or restriction under this
25 Section or that a similarly licensed practitioner in this State
26 would not be permitted to provide the services. A volunteer

1 health practitioner has reason to know of a limitation,
2 modification, or restriction or that a similarly licensed
3 practitioner in this State would not be permitted to provide a
4 service if: (1) the practitioner knows the limitation,
5 modification, or restriction exists or that a similarly
6 licensed practitioner in this State would not be permitted to
7 provide the service; or (2) from all the facts and
8 circumstances known to the practitioner at the relevant time, a
9 reasonable person would conclude that the limitation,
10 modification, or restriction exists or that a similarly
11 licensed practitioner in this State would not be permitted to
12 provide the service.

13 (f) In addition to the authority granted by law of this
14 State other than this Act to regulate the conduct of health
15 practitioners, a licensing board or other disciplinary
16 authority in this State:

17 (1) may impose administrative sanctions upon a health
18 practitioner licensed in this State for conduct outside of
19 this State in response to an out-of-state emergency;

20 (2) may impose administrative sanctions upon a
21 practitioner not licensed in this State for conduct in this
22 State in response to an in-state emergency; and

23 (3) shall report any administrative sanctions imposed
24 upon a practitioner licensed in another state to the
25 appropriate licensing board or other disciplinary
26 authority in any other state in which the practitioner is

1 known to be licensed.

2 (g) In determining whether to impose administrative
3 sanctions under subsection (f), a licensing board or other
4 disciplinary authority shall consider the circumstances in
5 which the conduct took place, including any exigent
6 circumstances, and the practitioner's scope of practice,
7 education, training, experience, and specialized skill.

8 Section 9. Relation to other laws.

9 (a) This Act does not limit rights, privileges, or
10 immunities provided to volunteer health practitioners by laws
11 other than this Act. Except as otherwise provided in subsection
12 (b), this Act does not affect requirements for the use of
13 health practitioners pursuant to the Emergency Management
14 Assistance Compact.

15 (b) The Illinois Emergency Management Agency, pursuant to
16 the Emergency Management Assistance Compact, may incorporate
17 into the emergency forces of this State volunteer health
18 practitioners who are not officers or employees of this State,
19 a political subdivision of this State, or a municipality or
20 other local government within this State.

21 Section 10. Regulatory Authority. The Department of Public
22 Health may promulgate rules to implement this Act. In doing so,
23 the Department of Public Health shall consult with and consider
24 the recommendations of the entity established to coordinate the

1 implementation of the Emergency Management Assistance Compact
2 and shall also consult with and consider rules promulgated by
3 similarly empowered agencies in other states to promote
4 uniformity of application of this Act and make the emergency
5 response systems in the various states reasonably compatible.

6 Section 11. (Blank).

7 Section 12. Workers' compensation coverage.

8 (a) In this Section, "injury" means a physical or mental
9 injury or disease for which an employee of this State who is
10 injured or contracts the disease in the course of the
11 employee's employment would be entitled to benefits under the
12 workers' compensation or occupational disease law of this
13 State.

14 (b) A volunteer health practitioner who dies or is injured
15 as the result of providing health or veterinary services
16 pursuant to this Act is deemed to be an employee of this State
17 for the purpose of receiving benefits for the death or injury
18 under the workers' compensation or occupational disease law of
19 this State if:

20 (1) the practitioner is not otherwise eligible for such
21 benefits for the injury or death under the law of this or
22 another state; and

23 (2) the practitioner, or in the case of death the
24 practitioner's personal representative, elects coverage

1 under the workers' compensation or occupational disease
2 law of this State by making a claim under that law.

3 (c) The Illinois Workers' Compensation Commission shall
4 adopt rules, enter into agreements with other states, or take
5 other measures to facilitate the receipt of benefits for injury
6 or death under the workers' compensation or occupational
7 disease law of this State by volunteer health practitioners who
8 reside in other states, and may waive or modify requirements
9 for filing, processing, and paying claims that unreasonably
10 burden the practitioners. To promote uniformity of application
11 of this Act with other states that enact similar legislation,
12 the Illinois Workers' Compensation Commission shall consult
13 with and consider the practices for filing, processing, and
14 paying claims by agencies with similar authority in other
15 states.

16 Section 900. The Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois is amended by
18 changing Section 2105-400 as follows:

19 (20 ILCS 2105/2105-400)

20 Sec. 2105-400. Emergency Powers.

21 (a) Upon proclamation of a disaster by the Governor, as
22 provided for in the Illinois Emergency Management Agency Act,
23 the Secretary of Financial and Professional Regulation shall
24 have the following powers, which shall be exercised only in

1 coordination with the Illinois Emergency Management Agency and
2 the Department of Public Health:

3 (1) The power to suspend the requirements for permanent
4 or temporary licensure of persons who are licensed in
5 another state and are working under the direction of the
6 Illinois Emergency Management Agency and the Department of
7 Public Health pursuant to a declared disaster.

8 (2) The power to modify the scope of practice
9 restrictions under any licensing act administered by the
10 Department for any person working under the direction of
11 the Illinois Emergency Management Agency and the Illinois
12 Department of Public Health pursuant to the declared
13 disaster.

14 (3) The power to expand the exemption in Section 4(a)
15 of the Pharmacy Practice Act to those licensed
16 professionals whose scope of practice has been modified,
17 under paragraph (2) of subsection (a) of this Section, to
18 include any element of the practice of pharmacy as defined
19 in the Pharmacy Practice Act for any person working under
20 the direction of the Illinois Emergency Management Agency
21 and the Illinois Department of Public Health pursuant to
22 the declared disaster.

23 (4) The power to request the services of emergency
24 volunteer health practitioners registered with an approved
25 registration system created under the Uniform Emergency
26 Volunteer Health Practitioners Act.

1 (b) Persons exempt from licensure under paragraph (1) of
2 subsection (a) of this Section and persons operating under
3 modified scope of practice provisions under paragraph (2) of
4 subsection (a) of this Section shall be exempt from licensure
5 or be subject to modified scope of practice only until the
6 declared disaster has ended as provided by law. For purposes of
7 this Section, persons working under the direction of an
8 emergency services and disaster agency accredited by the
9 Illinois Emergency Management Agency and a local public health
10 department, pursuant to a declared disaster, shall be deemed to
11 be working under the direction of the Illinois Emergency
12 Management Agency and the Department of Public Health.

13 (c) The Director shall exercise these powers by way of
14 proclamation.

15 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)